

gether in the Near East. We have discussed it a number of times on the floor.

What I would like to have very much, if these consortia are permitted in the future, that the public be allowed to know about them in full so we know who is involved and what authority is given and so forth, and if not, why this is not good public policy to make this a public record.

Mr. LOEVINGER. This, of course, is the problem with sanctioning such things. It becomes almost impossible to follow them to know what is going on, and, therefore, in general, the Government policy has been throughout the years to be very cautious about either through legislative or administrative action sanctioning anticompetitive combinations of business.

Senator PROXMIRE. I understand; the staff informs me there have been times in the past where the identities and authorities and so forth have not been made public, and there are—there is some feeling this should be made public, or if not, we should be told exactly why not.

Mr. LOEVINGER. I don't know. There is still pending a case in the Antitrust Division involving the biggest oil companies in the country, and an alleged cartel or restraint of trade arrangement in the Near East.

Senator PROXMIRE. Thank you, Senator.

Senator JAVITS. I might just say to my colleague that there are certainly techniques for supervision.

For example, I have myself suggested one. I just don't think that the Department of Justice, whether under this Attorney General or the preceding or any other Attorney General, has been inventive enough.

For example, you can appoint a special master in a court proceeding to supervise any agreement and get yourself completely informed at all times, even with the power of investigation and subpoena. I deeply feel that our antitrust laws are not at all abreast of our international world situation but are just operating in a vacuum which extends from 1888 until today.

And I think it is high time we get to it and find out what to do in our national interest.

I would like to ask you just one question about the domestic field. During the war it was possible for small contractors to combine under the York plan in order to jointly bid on Government procurement and get business accordingly.

Is any such thing possible now in respect of export trade, in which small business hardly participates?

Mr. LOEVINGER. Yes.

Small business can form Webb-Pomerene export associations just as well as big business.

Senator JAVITS. As a practical matter from your experience in the Department, is the Webb-Pomerene law effective and efficient enough for that purpose, because I have heard it said that it is not. It is not congenial to that kind of operation.

Mr. LOEVINGER. It isn't widely used. I don't know the reason. I suspect the reason is partially because the big companies don't really need it, and the small companies are relatively uninformed and unsophisticated about this kind of thing.